

§ 1274a.9

under section 274A of the Act are contained in 28 CFR part 68. The regulations governing employment eligibility and verification in 8 CFR part 274a are applicable to hearings before an administrative law judge and, to the extent relevant, to cases before an immigration judge or the Board of Immigration Appeals.

[74 FR 2340, Jan. 15, 2009]

§ 1274a.9 Enforcement procedures.

(a)–(d) [Reserved]

(e) *Request for Hearing Before an Administrative Law Judge.* If a respondent contests the issuance of a Notice of Intent to Fine, the respondent must file with the DHS, within thirty days of the service of the Notice of Intent to Fine, a written request for a hearing before an Administrative Law Judge. Any written request for a hearing submitted in a foreign language must be accompanied by an English language translation. A request for a hearing is not deemed to be filed until received by the DHS office designated in the Notice of Intent to Fine. In computing the thirty day period prescribed by this section, the day of service of the Notice of Intent to Fine shall not be included. If the Notice of Intent to Fine was served by ordinary mail, five days shall be added to the prescribed thirty day period. In the request for a hearing, the respondent may, but is not required to, respond to each allegation listed in the Notice of Intent to Fine.

(f) *Failure to file a request for a hearing.* If the respondent does not file a request for a hearing in writing within thirty days of the date of service of a Notice of Intent to Fine (thirty-five days if served by ordinary mail), the final order issued by DHS shall not be subject to a hearing before an administrative law judge under 28 CFR part 68.

[52 FR 16221, May 1, 1987, as amended at 53 FR 8613, Mar. 16, 1988; 55 FR 25935, June 25, 1990; 56 FR 41786, Aug. 23, 1991; 61 FR 52236, Oct. 7, 1996; 74 FR 2340, Jan. 15, 2009]

§ 1274a.10 Penalties.

The regulations pertaining to the imposition of penalties for violations of the provisions of section 274A of the Immigration and Nationality Act are

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contained in 8 CFR part 274a and 28 CFR part 68.

[73 FR 10136, Feb. 26, 2008]

§ 1274a.11 [Reserved]

Subpart B [Reserved]

PART 1280—IMPOSITION AND COLLECTION OF FINES

Sec.

1280.1 Notice of intention to fine; administrative proceedings not exclusive.

1280.2 Special provisions relating to aircraft.

1280.3 Departure of vessel or aircraft prior to denial of clearance.

1280.4 Data concerning cost of transportation.

1280.5 Mitigation or remission of fines.

1280.6 Bond to obtain clearance; form.

1280.7 Approval of bonds or acceptance of cash deposit to obtain clearance.

1280.11 Notice of intention to fine; procedure.

1280.12 Answer and request or order for interview.

1280.13 Disposition of case.

1280.14 Record.

1280.15 Notice of final decision to district director of customs.

1280.21 Seizure of aircraft.

1280.51 Application for mitigation or remission.

1280.52 Payment of fines.

1280.53 Civil monetary penalties inflation adjustment.

AUTHORITY: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, and 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321.

EFFECTIVE DATE NOTE: At 76 FR 74630, Dec. 1, 2011, the authority citation for part 1280 was revised, effective Jan. 3, 2012. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321.

SOURCE: 22 FR 9807, Dec. 6, 1957, unless otherwise noted. Duplicated from part 280 at 68 FR 9844, Feb. 28, 2003.

EDITORIAL NOTE: Nomenclature changes to part 1280 appear at 68 FR 9846, Feb. 28, 2003.